IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6232 of 1990

For Approval and Signature:

HON'BLE MR JUSTICE AKIL KURESHI

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

JAGANBHAI D PATEL - Petitioner(s)

Versus

URBAN LAND TRIBUNAL AND EX- OFFICO SECRETARY & 1 - Respondent(s)

==========

Appearance :

MR S TRIPATHY for Petitioner No(s).: 1.

MR MR MENGDEY AGP for Respondent No(s).: 2.

==========

CORAM : HON'BLE MR JUSTICE AKIL KURESHI

Date : 28/07/2005

ORAL JUDGMENT

By filing an affidavit dated 14th July, 2005, the Competent Authority and Additional Collector, ULC, Surat has stated inter alia that pursuant to the proceedings under the Urban Land (Ceiling and Regulation) Act, 1976 with respect to the land admeasuring 1469 sq. mtrs.

bearing Revenue Survey No.87/1 Paiki of Village Jahangiraba, notice under Section 10 (5) of the Urban Land (Ceiling and Regulation) Act was issued on 2/6/1990 to hand over the possession of the access vacant land. It is further stated that thereafter the petitioner preferred the present Special Civil Application and obtained an order of status-quo on 4/10/1990 and, therefore, the possession of the surplus vacant land could not be taken due to status-quo order granted by the High Court. This ex-parte order was confirmed by the High Court by an order dated 28/6/1991 to continue till final disposal of the petition. It is further stated that on the date of coming into force of the Urban Land (Ceiling and Regulation) Repeal Act, 1999 on 30th March, 1999, the possession of surplus vacant land had not been taken by the Government. In view of this clear statement on affidavit on behalf of respondents by virtue of the application of the Urban Land (Ceiling and Regulation) Repeal Act, 1999 proceedings with respect to the above mentioned land have abated. Petition disposed of accordingly. Rule made absolute with no order as to costs.

(Akil Kureshi, J.)

smita/